

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Terrance P. SNUTCH et al.

Application No.: 10/821,389

Filed: April 9, 2004

For: **CALCIUM CHANNEL INHIBITORS
COMPRISING BENZHYDRIL SPACED FROM
PIPERAZINE**

Confirmation No.: 1599

Art Unit: 1609

Examiner: Benjamin J. Packard

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office Action herein mailed 10 July 2007, time for response for which is set to expire 10 August 2007. An election of species was required.

Applicants hereby elect prosecution of the species set forth as P18, 1-[4-(3,5-Di-tert-butyl-4-methoxy-benzoyl)-piperazin-1-yl]-6,6-bis-(4-fluoro-phenyl)-hexan-1-one, the structure of which is set forth on page 4 of Figure 1.

The claims that read on this species are 1, 3, 5, 7-10, 12, 13 and 16-18.

Applicants understand that should no patent-defeating art be found with respect to the elected species, additional non-elected species will be examined and ultimately the generic claim. Accordingly, this election is made without traverse.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 381092000624. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 7, 2007

Respectfully submitted,

By: /Kate H. Murashige/
Kate H. Murashige
Registration No.: 29,959
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5112